

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 24-CV-61645-AHS**

**GARY BRECKA**, an individual,

Plaintiff,

v.

**THE INDIVIDUALS, ENTITIES, and  
UNINCORPORATED ASSOCIATIONS  
D/B/A GOT HYDRO WATER BOTTLE,**

Defendants.

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**STATUS REPORT AND NOTICE OF CONSENT TO  
JURISDICTION OF THE MAGISTRATE JUDGE**

Plaintiff Gary Brecka (“Brecka” or “Plaintiff”), through undersigned counsel and pursuant to the Court’s Order Granting Motion for Final Default Judgment, (DE [17]) (the “Order”), files this Status Report and Notice of Consent to Jurisdiction of the Magistrate Judge.

On December 12, 2024, the Court entered the Order, which granted in part Plaintiff’s Motion for Final Default Judgment (the “Motion”) against Defendants, the Individuals, Entities, and Unincorporated Associations d/b/a “Got Hydro Water Bottle” (hereinafter “Defendants”).

Specifically, the Court granted the Motion as to liability, finding that Defendants are liable to Plaintiff for his claims of Federal unfair competition and false endorsement, violation of Florida’s statutory right of Publicity, common law invasion of privacy, and common law unfair competition. *See* Order at 2. The Court denied the Motion as to damages, finding that Plaintiff’s calculation of the damages requested in the Motion is not sufficient. Accordingly, the Court ordered the parties to file a joint report advising whether they intend to proceed with a bench trial



or an evidentiary hearing as to damages, and informing the parties that they may consent to final disposition by Judge Strauss.

Throughout this case, and in an effort to comply with the Court's Order, Plaintiff has attempted to contact Defendants to confer; however, Defendants have been, and continue to be, non-responsive, and do not appear to have retained counsel. For that reason, Plaintiff is submitting this Report and consent unilaterally.

**Bench trial/evidentiary hearing**

Plaintiff requests a short evidentiary hearing on damages, subject to permitting sufficient time for Plaintiff to obtain third party discovery in order to further substantiate Plaintiff's damages. Plaintiff has subpoenaed records from Shopify, Defendants' ecommerce hosting platform, to obtain financial information regarding Defendants' sales and profits, and respectfully requests that the hearing be scheduled at least (60) days after the date of this Report.

**Consent to Magistrate Judge jurisdiction for final disposition**

Plaintiff waives his right to proceed before the District Judge and consents to have Magistrate Judge Strauss conduct any and all further proceedings in the case, including the evidentiary hearing.

Dated: December 23, 2024

Respectfully submitted,

**BERGER SINGERMAN LLP**

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